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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,047	06/29/2001	Santosh S. Chandrachood	CISCO-4306	9309

7590 07/08/2008  
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EXAMINER
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BATURAY, ALICIA

ART UNIT	PAPER NUMBER
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2146

MAIL DATE	DELIVERY MODE
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07/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/895,047	<b>Applicant(s)</b> CHANDRACHOOD, SANTOSH S.	
	<b>Examiner</b> Alicia Baturay	<b>Art Unit</b> 2146	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 74,75,77-80,82,83,85-88,90,91,93-96,98,99,101-104 and 106-113 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 74,75,77-80,82,83,85-88,90,91,93-96,98,99,101-104 and 106-113 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This Office Action is in response to the amendment filed 31 March 2008.
2. Claim 75 was amended.
3. Claims 1-73, 76, 81, 84, 89, 92, 97, 100 and 105 were cancelled.
4. Claims 74, 75, 77-80, 82, 83, 85-88, 90, 91, 93-96, 98, 99, 101-104 and 106-113 are pending in this Office Action.

### ***Response to Arguments***

5. The rejection is respectfully maintained as set forth in the last Office Action mailed on 28 December 2007. Applicant's arguments with respect to claims 74, 75, 77-80, 82, 83, 85-88, 90, 91, 93-96, 98, 99, 101-104 and 106-113 have been fully considered but they are not persuasive and the old rejection maintained.
6. Only those claims that have been amended by Applicant or required a change in the grounds of rejection are formally addressed in this action. For those claims not formally addressed, the rejections have not been altered from what was set forth in previous actions. Therefore, the substance of these rejections for claims not formally addressed in this action can be found in prior Office Actions, see the Office Action dated 28 December 2007.
7. ***Applicant Argues:*** The Applicant respectfully submits the Examiner's attempt to equate a network management data request with a user's request for a Web page is improper. Williams does not teach determining if the first network management request matches a

pattern of requests...where the pattern includes one or more expected management data requests, because the request of Williams is neither a *management* data request, nor an *expected* management data request (the request that has already been received cannot be considered to be “expected”).

***In Response:*** The examiner respectfully submits that in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The primary reference, Chen is used to show management data requests (the Manager issues a single GetRequest Protocol Data Unit (PDU) for three data items ((1,1), (1,2), (1,3)) to the Agent of the managed network device – see Chen, col. 6, lines 50-54). Williams provides functionality for the pattern including one or more expected data requests (the author of pages 107 define[s] a sequence of pages – see Williams, col. 3, lines 26-27). Therefore the combination of Chen and Williams teaches determining if the first network management data request (the Manager issues a single GetRequest Protocol Data Unit (PDU) for three data items ((1,1), (1,2), (1,3) – see Chen, col. 6, lines 50-54) matches a pattern of requests (when a user first accesses server (i.e., server receives a request for a page from a new user)...processor initializes the allocated memory for variables associated with this session...this involves making and loading a copy of records of all pages...of all sequences that are stored in server into allocated memory. This copy and not the originals will be used by processor to service the user's page-access requests – see Williams, col. 4,

line 11-29) where the pattern (the author of pages 107 define[s] a sequence of pages – see Williams, col. 3, lines 26-27) including one or more expected data requests (when a user first accesses server 102 (i.e., server 102 receives a request for a page 107 from a new user)...[server] processor 103 initializes the allocated memory for variables associated with this session, this involves making and loading a copy of records of all pages 107 of all sequences 108-109 that are stored in server into allocated memory. This copy will be used to service the user's page-access requests - see Williams, col. 4, lines 11-29). This renders the rejection proper, and thus the rejection stands.

8. ***Applicant Argues:*** The Examiner is improperly equating Schrobenuhauzer's transferring the data required by the CPU to the data buffer memory in advance with a pattern of request.

***In Response:*** The examiner respectfully submits that Schrobenuhauzer provides functionality for determining if the first data request matches a pattern of request (CPU requests data with a predetermined...pattern) defined and stored in advance in a memory (transferring the data required by the CPU...to the data buffer memory in advance before receiving the request from the CPU – see Schrobenuhauzer, page 5, paragraph 112). The reference states that “in the case where the CPU performs processing for continuous data or the case where the CPU requests data with a predetermined address pattern, by transferring the data required by the CPU from the external memory to the data buffer memory in advance before receiving the request from the CPU (see Schrobenuhauzer, page 5, paragraph

112).” The examiner interprets this as when continuous data or a pattern in the data is detected, the CPU recognizes this and loads the data needed before it is requested, which is functionally equivalent to recognizing a pattern of request. This renders the rejection proper, and thus the rejection stands.

9. ***Applicant Argues:*** Crow says nothing about a pattern comprising a periodicity of network management data requests *contained in the pattern* or initiating periodic data collections for data responsive to network management data requests in the pattern.

***In Response:*** The examiner respectfully submits that in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The discussions for the portions of the claim that contain language relating to network management data requests (Chen) and patterns of requests (Williams) can be found above. Crow provides additional functionality where there is a periodicity of the data requests (web objects maintained in the cache are periodically refreshed so as to assure those web objects are not “stale” – see Crow, col. 4, lines 24-67). This renders the rejection proper, and thus the rejection stands.

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10. ***Applicant Argues:*** The Examiner has not established a *prima facie* case with respect to means-plus-function claims 90-91, 93-96, and 108 because the Examiner had not shown for each means-plus-function claim, that the prior art structure or step is the same as or equivalent to the structure, material, or acts described in the specification which has been identified as corresponding to the claimed means or step plus function.

***In Response:*** The examiner respectfully submits that the prior art element performs the identical function specified in the claim in substantially the same way, and produces substantially the same results as the corresponding element disclosed in the specification and the prior art element is a structural equivalent of the corresponding element disclosed in the specification. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). That is, the prior art element performs the function specified in the claim in substantially the same manner as the function is performed by the corresponding element described in the specification.

The examiner has rejected claims 74, 75, 79, 90, 81 and 95 under 35 U.S.C. § 103(a) as being unpatentable by Chen et al. (U.S. 6,076,107) in view of Williams (U.S. 6,151,630) and further in view of Schrobenuhauer et al. (U.S. 2001/0047456). The examiner believes that claims 90, 91 and 95 are functionally equivalent in limitations to claims 74, 75 and 79 and therefore are rejected for the same reasons. Therefore, the claimed limitations are met by the prior art elements.

The examiner has rejected claims 77, 78, 93, 94, 106 and 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Williams in view of Schrobenuhauer and further in view of Crow et al. (U.S. 6,442,651). The examiner believes

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that claims 93, 94 and 108 are functionally equivalent in limitations to claims 77, 78 and 106 and therefore are rejected for the same reasons. Therefore, the claimed limitations are met by the prior art elements.

The examiner has rejected claims 80, 96, 110 and 112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Williams in view of Schrobenuhauzer and further in view of Murray ("Windows NT SNMP"). The examiner believes that claims 96 and 112 are functionally equivalent in limitations to claims 80 and 110 and therefore are rejected for the same reasons. Therefore, the claimed limitations are met by the prior art elements. See MPEP § 2183.



***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay  
July 8, 2008

/Jeffrey Pwu/  
Supervisory Patent Examiner, Art Unit 2146